

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Blue Spike, LLC,  <i>Plaintiff,</i>  v.  TEXAS INSTRUMENTS, INC., et al.,  <i>Defendants.</i>	§ CASE NO. 6:12-cv-499 MHS  LEAD CASE  Jury Trial Demanded
Blue Spike, LLC,  <i>Plaintiff,</i>  v.  AOPTIX TECHNOLOGIES, INC.,  <i>Defendant.</i>	CASE NO. 6:14-cv-040 MHS  CONSOLIDATED CASE  Jury Trial Demanded

**UNOPPOSED MOTION FOR LEAVE  
TO SERVE JURISDICTIONAL DISCOVERY ON  
DEFENDANT AOPTIX TECHNOLOGIES, INC. AND FOR EXTENSION  
OF TIME TO RESPOND TO MOTION TO DISMISS**

Plaintiff Blue Spike, LLC (“Blue Spike”) respectfully moves the Court for leave to serve jurisdictional discovery on AOptix Technologies, Inc. (“AOptix”) before the Rule 26(f) conference and prior to responding to AOptix’s MOTION TO DISMISS (Dkt. No. 518) (“Motion to Dismiss”). In support of its Motion, Blue Spike will show the following.

Plaintiff filed its Complaint for Patent Infringement against AOptix on January 8, 2013. On March 11, 2013, AOptix filed the Motion to Dismiss, alleging inter alia, that this Court lacked personal jurisdiction over AOptix.

Blue Spike's Response to the Motion to Dismiss was due March 28, 2013. Prior to responding, Blue Spike needs jurisdictional discovery, which will not count against the limited number of discovery requests available to Plaintiff under the Federal Rules of Civil Procedure and this Court's local rules, and a further extension of time to respond until after discovery is taken. AOptix is unopposed to this request. Accordingly, Blue Spike requests the Court to grant this motion and for any other relief to which they are justly entitled.

Respectfully submitted,

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### **Certificate of Service**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email.

/s/ Randall T. Garteiser

### **CERTIFICATE OF CONFERENCE**

I certify that on behalf of Blue Spike, LLC., I have met and conferred with counsel for Defendants on May 2, 2013 regarding the relief requested herein. Counsel for Defendants have indicated that they are unopposed to leave being granted for serving jurisdictional discovery and extension of time to respond to the motion to dismiss.

/s/ Christopher A. Honea